

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JON SOTO and
THE ESTATE OF DONNA M. SOTO,

Plaintiffs,

v.

DAVID S. GIBBONS AND KEVIN ELY,

Defendants.

ORDER

Case No. 14-cv-234-bbc

Plaintiff Jon Soto, a prisoner incarcerated at the Stanley Correctional Institution in Stanley, Wisconsin, has filed a proposed civil complaint, but has neither paid the filing fee nor requested leave to proceed without prepayment. For this case to proceed, plaintiff must pay the \$400 filing fee or submit a properly supported motion for leave to proceed without prepayment of the filing fee no later than April 25, 2014.

A motion for leave to proceed without prepayment of the filing fee must be accompanied by a certified copy of plaintiff's inmate trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the date of the complaint. 28 U.S.C. § 1915(a)(2). If I find that plaintiff is indigent, I will calculate an initial partial payment amount that must be paid before the court can screen the merits of the complaint under 28 U.S.C. § 1915(e)(2). Thereafter, plaintiff will be required to pay the balance of the filing fee in installments.

ORDER

IT IS ORDERED that plaintiff Jon Soto may have until April 25, 2014 to submit the \$400 filing fee or a motion for leave to proceed without prepayment and a trust fund account

statement for the period beginning approximately September 20, 2013 and ending approximately March 20, 2014. If, by April 25, 2014, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.

Entered this 4th day of April, 2014.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge